



## Notice of Service of Process

null / ALL  
Transmittal Number: 24369614  
Date Processed: 01/24/2022

**Primary Contact:** Gregory J. Newman  
Waffle House, Inc.  
5986 Financial Drive  
Norcross, GA 30071-2949

---

<b>Entity:</b>	Waffle House, Inc. Entity ID Number 3162767
<b>Entity Served:</b>	Waffle House, Inc
<b>Title of Action:</b>	Kenol Marcelin vs. Waffle House, Inc.
<b>Matter Name/ID:</b>	Kenol Marcelin vs. Waffle House (10669554)
<b>Document(s) Type:</b>	Summons/Complaint
<b>Nature of Action:</b>	Personal Injury
<b>Court/Agency:</b>	Miami-Dade County Circuit Court, FL
<b>Case/Reference No:</b>	2021-026850 CA01
<b>Jurisdiction Served:</b>	Florida
<b>Date Served on CSC:</b>	01/24/2022
<b>Answer or Appearance Due:</b>	20 Days
<b>Originally Served On:</b>	CSC
<b>How Served:</b>	Personal Service
<b>Sender Information:</b>	The Borrow Law Firm 305-859-1000

---

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)

Filing # 141996567 E-Filed 01/14/2022 10:09:32 AM

IN THE CIRCUIT COURT OF THE  
11TH JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

KENOL MARCELIN,

CASE NO.: 2021-026850 CA01

Plaintiff,

vs.

WAFFLE HOUSE, INC.,

Defendants.

Received: 1/24/22 @ 900B  
Served: 1/24/22 @ 130P

Richard Kolodgy, CPS #204  
Second Judicial Circuit

**S U M M O N S**

THE STATE OF FLORIDA:  
TO ALL AND SINGULAR THE SHERIFFS OF SAID STATE:

**YOU ARE HEREBY COMMANDED** to serve this Summons and a copy of the Complaint or Petition, in the above styled cause upon the Defendant:

**Waffle House, Inc. By Serving**  
c/o Corporate Service Company  
12001 Hays Street  
Tallahassee, FL 32301

Each Defendant is hereby required to serve written defenses to said Complaint or Petition on Plaintiff's attorney, whose name and address is:

**THE BORROW LAW FIRM- One Flagler Building- 14 NE 1<sup>st</sup> Ave, Suite 514, Miami,  
FL 33132**

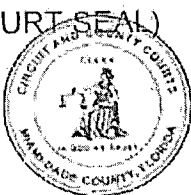
within twenty (20) days after service of this Summons upon that Defendant, exclusive of the day of service, and to file the original of said written defenses with the Clerk of said Court either before service on Plaintiff's attorney or immediately thereafter. If a Defendant fails to do so, a default will be entered against that Defendant for the relief demanded in the Complaint or Petition.

**WITNESS** my hand and the seal of the Court on 1/19/2022, 2022.

Harvey Ruvin  
Clerk of Circuit Court

By: [Signature]  
DEPUTY CLERK

(COURT SEAL)



IN THE CIRCUIT COURT OF THE  
11TH JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

KENOL MARCELIN,

CASE NO.:

Plaintiff,

vs.

WAFFLE HOUSE, INC.,

Defendants.

COMPLAINT

COMES NOW the Plaintiff, **KENOL MARCELIN**, sues the Defendant, **WAFFLE HOUSE, INC.**, a Florida corporation and alleges:

JURISDICTIONAL AMOUNT

1. This is an action for damages in excess of the sum of THIRTY THOUSAND (\$30,000.00) DOLLARS, exclusive of interest and costs.

IDENTIFICATION OF PARTIES

2. That at all times material hereto Plaintiff, **KENOL MARCELIN**, was a resident of Miami-Dade County, Florida

3. That at all times material hereto, Defendant, **WAFFLE HOUSE, INC.**, is a Florida corporation, authorized to do and doing business in Miami-Dade County, Florida.

4. That at all times material hereto, Defendant, **WAFFLE HOUSE, INC.**, owned, operated, maintained and/or otherwise controlled the premises/business located at 19675 NW 2nd Ave, Miami Gardens, Miami-Dade County, Florida

FACTS GIVING RISE TO CAUSE OF ACTION

5. At all times material hereto, Plaintiff, **KENOL MARCELI**, was a customer at the subject premises and invitee of the Defendant, **WAFFLE HOUSE, INC.**

6. That on or about November 7, 2020, Plaintiff was violently attacked and robbed at gunpoint while he was attempting to pick up a "to go" for order from the subject

Waffle House restaurant.

7. That at said time and place, a security guard hired and retained by Defendant, **WAFFLE HOUSE, INC.**, did not intervene or take any action in an attempt to deter or stop the criminal attack.

8. That at said place and time, Defendant, **WAFFLE HOUSE, INC.**'s deficient negligent security measures directly resulted in Plaintiff, **KENOL MARCELIN**, being violently attacked and robbed at gunpoint which caused him both serious and permanent personal injuries and other economic damages as are more fully alleged herein.

**COUNT I**

**PLAINTIFF'S KENOL MARCELIN'S NEGLIGENCE CLAIM AGAINST  
WAFFLE HOUSE, INC.**

9. Plaintiff adopts and reasserts Paragraphs 1 through 8 as if specifically set forth herein and further alleges:

10. At all times material to this action, the Defendant, **WAFFLE HOUSE, INC.**, knew, or should have known, of the substantial history of criminal activity, including but not limited to assault, battery, and other criminal activity on, and in the immediate vicinity of, the subject premises.

11. Based upon this history of prior criminal activity, the attack upon Plaintiff, **KENOL MARCELIN**, was reasonably foreseeable to Defendant, **WAFFLE HOUSE, INC.**

12. Notwithstanding its duties, Defendant, **WAFFLE HOUSE, INC.**, by and through its agents, security personnel, and other employees acting within the course and scope of their employment, was negligent and breached its duties in one or more of the following ways:

- a. Failed to exercise reasonable care and provide for the safety of all persons present by invitation on the subject premises;

- b. Failed to provide a reasonably safe premises to all business invitees or person otherwise present by invitation on the subject premises;
- c. Failed to properly provide protection for the safety of its business invitees or persons otherwise present by invitation on the subject premises;
- d. Failed to implement proper procedures, precautions, rules and regulations concerning security and safety on the subject premises;
- e. Failed to provide proper and/or sufficient security for all persons invited onto the subject premises;
- f. Failed to properly supervise and monitor the activities and conduct of persons present on the subject premises;
- g. Failed to provide proper and/or sufficient security measures to monitor activities and safeguard the well being of invitees present on the subject premises;
- h. Failed to otherwise implement proper security measures to control or prevent the foreseeable incidence of violence occurring on the subject premises;
- i. Failed to otherwise implement proper security procedures for the control and/or prevention of foreseeable criminal activity on the subject premises.

13. As a direct and proximate result of the aforementioned acts of negligence by Defendant, **WAFFLE HOUSE, INC.**, individually and/or through its agents, security personnel or other employees acting within the course and scope of their employment, and under the circumstances hereinabove alleged, Plaintiff, KENOL MARCELIN, was violently attacked and robbed at gunpoint and injured in and about his body and extremities, suffered pain there from, suffered physical handicap, physical impairment, disability, disfigurement, inconvenience, mental anguish, loss of the capacity for the

enjoyment of life, expense of hospitalization, medical and nursing care and treatment, property damage, loss of personal property, loss of wages in the past, loss of earning capacity in the future and aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff, **YURI CANIVE**, will suffer the losses in the future.

**DEMAND FOR JURY TRIAL**

**WHEREFORE**, Plaintiff, **KENOL MARCELIN**, demands judgment for damages against the Defendant, **WAFFLE HOUSE, INC.**, in excess of THIRTY THOUSAND DOLLARS (\$30,000.00) together with lawful costs of this suit and hereby demands trial by jury of all matters triable as of right by jury.

Dated this 13<sup>th</sup> day of December, 2021.

By: s/Brett L. Borrow  
Brett L. Borrow  
Florida Bar No.: 0100341  
Attorneys for Plaintiff  
**THE BORROW LAW FIRM**  
One Flagler Building  
14 NE 1<sup>st</sup> Avenue, Suite 514  
Miami, FL 33132  
Telephone: (305) 859-1000  
Facsimile: (305) 718-0633  
Primary E-Mail: [bborrow@borrowlaw.com](mailto:bborrow@borrowlaw.com)  
Secondary E-Mail: [jrodriguez@borrowlaw.com](mailto:jrodriguez@borrowlaw.com)